

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 11-20129

SCOTT WILLIAM SUTHERLAND,

Defendant.

**ORDER DENYING DEFENDANTS'
"MOTION FOR ATTORNEY CONDUCTED VOIR DIRE"**

Before the court is Defendant Scott William Sutherland's "Motion for Attorney Conducted Voir Dire," to which multiple Defendants have joined. Since the filing of the motion, the court has had several on and off the record discussions with counsel, explaining the burdens and costs associated with some of the relief requested by counsel and, additionally, the issues associated with allowing attorney conducted voir dire. As Defendants acknowledge, both in their motion as well as in multiple proceedings in court, the procedures employed in conducting voir dire is an area in which the court enjoys wide discretion, subject to essential demands of fairness. See *generally Dennis v. Mitchell*, 354 F.3d 511, 524 (6th Cir. 2003). The court is not persuaded that it should deviate from its traditional practice of conducting voir dire itself. However, the court has been discussing various ways to accommodate Defendants requests and concerns, and has tasked Defendant Sutherland's attorney with proposing a script of questions which the court will consider tendering to the jury, in some form, during the voir dire process. A final form or method has not been approved by the

court, but the court anticipates that this effort will alleviate most, if not all, of the concerns raised in the instant motion. Accordingly,

IT IS ORDERED that Defendants, "Motion for Attorney Conducted Voir Dire," [Dkt. # 751] is DENIED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: September 22, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 22, 2014, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

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